The Examiner has rejected Claims 1, 19-21 and 23-37 under 35 U.S.C. §103(a) as being obvious over European Patent Application No. 741,177 ("EP '177").

Nowhere does EP'177 disclose or suggest an adhesive composition having two polyester components wherein "component A comprises at least one polyester with a molecular weight (M_n) of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg and ... component B comprises at least one polyester with a molecular weight (M_n) of less than 8000" as generally recited in Claims 1, 30 and 35.

Rather, EP' 177 discloses hot melt adhesives prepared from a biodegradable thermoplastic polymer, e.g., polylactides, aliphatic polyesters, etc., sucrose benzoate and, optionally a plasticizer, e.g., liquid polyesters. Instead, Applicants have surprisingly discovered that by employing a first polyester having a molecular weight of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg, which is an amorphous polyester, together with a second polyester having a molecular weight less than 8000, the resulting adhesive possesses excellent thermostability while also being biodegradable. At no point is there even a remote suggestion or motivation of choosing either a polyester having a molecular weight of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg or a polyester having a molecular weight less than 8000 out of the broad class of polyesters disclosed in EP '177. Nor, for that matter, is there any suggestion or motivation in EP '177 of combining the two different polyester components to form the claimed adhesive composition. Thus, nothing in EP '177 would lead one skilled in the art to modify the hot melt adhesives disclosed therein to arrive at an adhesive composition

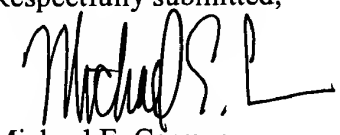
containing (a) a polyester with a molecular weight of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg and (b) a polyester with a molecular weight less than 8000 as generally recited in Claims 1, 30 and 35.

Furthermore, the statement in the Office Action that EP '177 teaches a biodegradable adhesive comprising a high molecular weight polyester that can be amorphous, a non-crystalline sucrose benzoate and optionally a plasticizer that can be a low molecular weight liquid polyester is wholly unsupported and cannot serve as a basis for this rejection. It is not seen where EP '177 discloses an adhesive composition comprising a polyester having a molecular weight of at least 8000 and has a total enthalpy of fusion of at most 20 mJ/mg and a polyester having a molecular weight less than 8000. If it is the Examiner's position that EP'177 discloses or suggests such an adhesive composition, the Examiner is respectfully requested to identify with particularity (by column and line number) where *in EP '177* such teaching or suggestion can be found of employing a polyester having a molecular weight of at least 8000 and a total enthalpy of fusion of at most 20 mJ/mg and a polyester having a molecular weight less than 8000 to form an adhesive composition.

For the foregoing reasons, Claims 1 and 19-37 are believed to be nonobvious, and therefore patentable, over EP '177.

Accordingly, it is submitted that Claims 1 and 19-37 as presented herein are in condition for immediate allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,



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